

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

Allyssa HAMILTON

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)
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)
)
)

Case No. 5:18-MJ- 395 (ATB)
[UNDER SEAL]

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 29, 2017 in the county of Cayuga in the
Northern District of New York, the defendant(s) violated:

Code Section

Title 21, United States Code,
Sections 841(a)(1) and (b)(1)(C)

Offense Description

Distribution of heroin and fentanyl, Schedule I and II controlled substances.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.



Complainant's signature

SA Anthony Hart, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/11/2018



Judge's signature

City and state: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Anthony Hart, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent employed by the United States Department of Justice, Drug Enforcement Administration ("DEA"), and as such I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 21 United States Code, Section 801, et. sec., and Title 18, United States Code, Section 2516. I have been a DEA Special Agent since November, 1999. I am currently assigned to the DEA Syracuse Resident Office, Syracuse, New York. I have participated in numerous successful investigations into illicit drug distribution networks and have interrogated numerous defendants, informants and others who were sellers, distributors, or users of narcotics and other illicit drugs. Also, I have been involved in the monitoring, intercepting and recording of court-ordered wiretaps, and have participated in numerous search warrants/arrest warrants involving narcotics trafficking. In addition to my above-mentioned experience, I have had the opportunity to speak with and observe other federal and state narcotics officers with regard to the manner in which narcotics are possessed, sold and distributed in the Northern District of New York area. I have participated in hundreds of searches of residences, businesses and vehicles in which controlled substances, drug paraphernalia, currency and records were discovered. I have participated in several multi-agency narcotics investigations and have been the lead agent on narcotics investigations where heroin and synthetic drugs and analogues were predominantly distributed. My experience as well as conversations with other law enforcement officers, as detailed herein, will serve as the basis for

any opinions or conclusions set forth below. I have personally participated in the investigation of the offenses set forth below and as a result of my participation and my review of past and present reports made by other Special Agents of the DEA, and other state and local law enforcement agencies, I am familiar with the facts and circumstances of this investigation.

2. I make this affidavit in support of a criminal complaint charging Allyssa HAMILTON with distributing heroin, a Schedule I controlled substance, and fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

3. The facts in this affidavit come from my personal observations, my training and experience, information obtained from other agents and witnesses, and my participation in the investigation of the offenses set forth below. This affidavit is intended to show merely that there is sufficient probable cause to support a criminal complaint, and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that on or about December 29, 2017, Allyssa HAMILTON distributed heroin and fentanyl in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

PROBABLE CAUSE

5. Since December 30, 2017, your affiant and investigators from the Drug Enforcement Administration (DEA), Group D-54a, the Northern District of New York (NDNY) United States Attorney's Office (USAO), and investigators from the Auburn Police Department (APD) have been investigating the controlled substance overdose death of victim, M.C. (hereinafter referred to as "victim") that occurred in Auburn, NY on December 31, 2017. Your affiant has reviewed all reports and has spoken with investigators in regards to the controlled substance overdose death of the victim. Based on the current and on-going investigation, I have

probable cause to believe that the victim was supplied a lethal dose of a mixture of heroin and fentanyl by Allyssa HAMILTON on December 29, 2017.

6. During the early morning hours of December 30, 2017, the Auburn Police Department and medical first responders of the Auburn Fire Department and TLC Ambulance Services responded to the victim's residence in Auburn, NY, for a third party report of an unconscious person. Specifically, it was reported to Cayuga County 911 Dispatch that a third party (hereinafter Source of Information 1 or SOI1) had been "Face Timing" with the victim when SOI1 observed the victim become unconscious or unresponsive. ("Face Time" is a video telephone/video chat service developed and provided by Apple/MAC iOS operating system that allows live-time one-on-one video chat services for users). SOI1 later called 911 to report the emergency.

7. On December 30, 2017, at approximately 1:27 A.M., members from the Auburn Police Department and Emergency Medical Technicians (EMT's) from TLC Ambulance Services, along with members from the Auburn Fire Department arrived to the victim's residence. First responders arrived at the victim's bedroom door, and observed the victim in a seated position on the floor, in front of the door to the bedroom, with her back against the bed. The victim appeared to be slumped over with her head in her lap, and was unresponsive to first responders. She had no pulse and was not breathing. First responders observed what appeared to be a used syringe and silver spoon on the floor in the vicinity of the victim, which is usually indicative of recent controlled substance use, specifically heroin and/or fentanyl use.

8. Medical first responders from the Auburn Fire Department and EMT's from TLC Ambulance Services provided the initial medical attention as they administered Narcan (the brand name for Naloxone which is commonly used to treat suspected narcotic overdoses;

specifically overdoses caused by opioids or heroin) and began CPR on the victim. Subsequent to the initial medical attention given to the victim by medical first responders, the victim was transported to Auburn Community Hospital for further medical attention. Members from the APD continued to hold the scene at that time.

9. Subsequent to the victim being transported to Auburn Community Hospital, an APD Detective and an Evidence Technician (“E.T.”) responded to the victim’s residence to further investigate the suspected overdose. Initial photos of the scene were secured by the E.T.

10. The E.T. subsequently secured from the victim’s bedroom (and within the vicinity of where the victim was located upon the arrival of first responders) and processed into evidence what appeared to be the victim’s Apple iPhone, which had been located on a pillow on top of the victim’s bed near the nightstand; a glassine envelope containing a white powdery substance, which was located on the victim’s night stand; and what appeared to be the victim’s wallet containing the victim’s New York State driver’s license and other various identifications and personal documents.

11. In addition, other items were located, observed, and documented via photographs, but were not logged into evidence. These include the following: a used syringe and silver spoon located on the floor in the vicinity of where the victim was located; an open plastic bag containing numerous unused syringes along with what appeared to be several empty, ripped wax glassine envelopes commonly used to package narcotics, and specifically heroin and/or fentanyl, which were located on the victim’s bed near the nightstand; an opened and empty pack of “Newport” cigarettes, which was located on the victim’s bed in close proximity to the aforementioned bag of unused syringes and ripped open wax glassine envelopes; and several Q-tips, which were located on the bed in close proximity to the aforementioned bag of unused

syringes. In my training and experience, these are items typically associated with intravenous narcotic use.

12. The victim was removed from life support at Auburn Community Hospital on December 31, 2017, and passed away that same day. An autopsy was subsequently conducted, and the victim's cause of death was determined to be anoxic brain injury due to mixed heroin and fentanyl toxicity. The one glassine envelope that had been recovered from the victim's nightstand was submitted to the laboratory for testing, and returned positive for the presence of heroin, fentanyl, and cutting agent.

13. On December 30, 2017, an APD Detective learned that a person had been located who had picked the victim up just before midnight on December 29, 2017, and driven the victim to a particular house. This person will hereinafter be referred to as SOI2. SOI2 was later interviewed and stated that on December 29, 2017, the victim had requested a ride from SOI2 at approximately 11:33 PM. SOI2 stated that he/she picked the victim up at approximately 11:53 PM, and drove the victim to a house on Clark Street in Auburn. SOI2 stated that upon arrival on Clark Street, the victim pointed out a particular house, exited the car, ran up to the house, and returned to the car approximately 20 seconds later. SOI2 then drove the victim back to the victim's house. SOI2 stated that the entire trip took less than 10 minutes. SOI2 positively identified a photograph of Clark Street, Auburn NY, as the house that SOI2 had driven the victim to on December 29, 2017.

14. On January 2, 2018, an APD Detective spoke with SOI1 via telephone. SOI1 stated that he/she had spoken to the victim via Face Time several times on December 29, 2017. As detailed below, the victim's phone was later searched, and the search results confirm that the victim and SOI1 communicated on multiple occasions on December 29, 2017. SOI1 stated that

the two were speaking at approximately 11:30 PM on December 29, 2017, when the victim advised that she needed to pick up some money, and so they ended their call. SOI1 stated that shortly after midnight, the victim contacted SOI1 again via Face Time, just as the victim was re-entering her house. SOI1 states that the victim entered her house, which SOI1 could see on Face Time, went into her room, and apparently propped her phone up, as SOI1 could then only see the victim's face. SOI1 advised that after 15 to 20 minutes, the victim disappeared from view. SOI1 could not see the victim, but could hear moaning and breathing. SOI1 stated that he/she then attempted to contact the victim's mother and brother via Facebook, with no response. SOI1 stated that he/she then reached out to the police (911) to report the incident.

15. As noted above, an iPhone was seized from the victim's bed on the night of the overdose, and was subsequently searched. Upon review of the phone, officers noted the following:

- a. During December 2017, the victim engaged in several Facebook Messenger conversations with the Facebook Messenger account labeled "allyssa hamilton" with Facebook Messenger identifying number 100018681096380, and User ID allyssahamilton182. This account will be referred to as "AH" for the purpose of detailing these messages. A portion of these messages follow¹:

12/19/2017 – 10:43 PM – Victim to AH:	Yo you good yet
12/19/2017 – 10:43 PM – AH to Victim:	Not yet boo...I'm sorry Christmas is killing me I have 4 kids now
12/19/2017 – 10:57 PM – Victim to AH:	Alright
12/25/2017 – 8:21 PM – AH to Victim:	Yooo...im ready
12/25/2017 – 8:22 PM – Victim to AH:	Aight I'm broke right now when I get some doe I'll hit you

¹ Note that not all Facebook Messenger messages between the victim and the user of the allyssahamilton182 Facebook account are reproduced herein. For example, some messages discussing rides and similar type conversation have been omitted.

12/25/2017 – 8:23 PM – AH to Victim: Ok when u think u gonna be ready i might be able to help u

12/25/2017 – 8:41 PM – AH to Victim: I can spare a bag

12/26/2017 – 9:57 AM – AH to Victim: Heyy can we get a couple plates i got that 4 u

12/26/2017 – 10:32 AM – Victim to AH: Yeah just give me a little while I got some running around to do then I'll hit you up aight?

12/26/2017 – 10:32 AM – Victim to AH: My bad I didn't see you messaged me back last night either

12/26/2017 – 10:32 AM – AH to Victim: Ok...no problem

12/26/2017 – 10:33 AM – AH to Victim: Call me 3153800153

12/26/2017 – 10:33 AM – Victim to AH: Aight I will where u at?

12/26/2017 – 10:34 AM – AH to Victim: clark st off of James st

12/26/2017 – 10:38 AM – AH to Victim: Front apartment the only one on the front porch

12/26/2017 – 10:53 AM – Victim to AH: Alright I'll hit you up when I'm done running around

12/26/2017 – 3:42 PM – Victim to AH: Yo how much u charging

12/26/2017 – 3:55 PM – AH to Victim: 20

12/26/2017 – 3:57 PM – AH to Victim: And u know i have nothing but the best

12/26/2017 – 3:42 PM – Victim to AH: Damn that's crazy expensive lol. I pay 10 for one out here from this one dude and his shits legit

12/26/2017 – 4:14 PM – AH to Victim: My shit crazy big tho lol

12/26/2017 – 4:15 PM – AH to Victim: I can't do less then 15.

12/26/2017 – 4:16 PM – Victim to AH: Alright well I'm trying to get this doe together now. I'll hit you shortly and I'll bring you food and shit

12/26/2017 – 4:17 PM – AH to Victim: Ok...honestly ill just throw u my last one

12/26/2017 – 4:19 PM – Victim to AH: Well I don't got doe but if you want to throw me the last one so I can try it I'll do that and when you get back if not tonight I'll deff cop some today cause I get paid tomorrow up to you

12/26/2017 – 4:21 PM – AH to Victim: That's sounds perfect

12/26/2017 – 4:21 PM – Victim to AH: Aight so you got a ride to me or you need me to come to you?

12/26/2017 – 4:21 PM – Victim to AH: I can bring you some food too if you want

12/26/2017 – 4:21 PM – AH to Victim: U gotta come to meI have all the kids lok

12/26/2017 – 4:22 PM – Victim to AH: Aight bet I'm tryna to find a ride real quick

12/26/2017 – 4:22 PM – AH to Victim: And yea food sounds good

12/26/2017 – 4:22 PM – Victim to AH: Aight give me a minute I'll get back to you

12/26/2017 – 4:22 PM – AH to Victim:	KK
12/26/2017 – 4:31 PM – AH to Victim:	I have 4 kids and me lol
12/26/2017 – 4:32 PM – Victim to AH:	Alright give me a minute here I'm tryna find a ride
12/26/2017 – 4:44 PM – AH to Victim:	Can u bring me a gallon of milk
12/26/2017 – 4:45 PM – Victim to AH:	Yeah I should be able to get a ride in like a half an hour. I can grab you some milk
12/26/2017 – 4:45 PM – AH to Victim:	Ok
12/26/2017 – 4:45 PM – Victim to AH:	Is that good?
12/26/2017 – 4:47 PM – AH to Victim:	That's fine
12/26/2017 – 4:50 PM – Victim to AH:	You only got one on you cause I got someone who has 15 and wants one too
12/26/2017 – 4:50 PM – AH to Victim:	I wish i did i only got 1
12/26/2017 – 4:50 PM – Victim to AH:	Alright fuck em lol. I'll test it out and see what's good
12/26/2017 – 4:51 PM – AH to Victim:	Ok ...lol
12/26/2017 – 5:57 PM – Victim to AH:	Apparently home girl bailed on me
12/26/2017 – 4:50 PM – AH to Victim:	Ok ...was that ur only option??
12/26/2017 – 6:23 PM – Victim to AH:	Yo I'm about to have a ride can I stop through
12/26/2017 – 6:24 PM – AH to Victim:	Yea
12/26/2017 – 6:24 PM – AH to Victim:	Please dnt forget the milk
12/26/2017 – 6:25 PM – Victim to AH:	Aight I got you what's the address again
12/26/2017 – 6:25 PM – AH to Victim:	clark st off of James st
12/26/2017 – 6:28 PM – Victim to AH:	I got you. My moms bringing me obviously she doesn't know why I just told her my friend needs milk. I'm waiting for her to finish her movie then I'll be on my way. Where's James street by?
12/26/2017 – 6:32 PM – AH to Victim:	The post office
12/26/2017 – 7:24 PM – Victim to AH:	Where do I go I'm here
12/26/2017 – 7:25 PM – AH to Victim:	Front porch with couch on it
12/26/2017 – 7:25 PM – Victim to AH:	Here
12/26/2017 – 8:52 PM – AH to Victim:	how was the cookie
12/26/2017 – 9:13 PM – Victim to AH:	I gotta do more than one to know. My tolerance to high

16. Based upon my review of the above messages, and based upon my training and experience, I believe that on December 25, 2017, the user of the Facebook user name allyssa.hamilton.182 account, believed by your affiant to be Allyssa HAMILTON, reached out to the victim to inform the victim that she had drugs to distribute ("Yooo...im ready."). I believe that throughout the following day, the two made plans for the victim to deliver food and/or milk

to Clark Street², Auburn, NY, and to obtain one glassine bag of controlled substance, likely heroin. I believe that HAMILTON was planning to sell the victim one bag of heroin/fentanyl for \$20, then dropped the price to \$15, and then agreed to give one bag to the victim (which the victim said she would take to “test”) in exchange for a gallon of milk.

17. Further analysis of text messages recovered from the victim’s phone indicate that she obtained additional controlled substances from HAMILTON on December 29, 2017. Note that the following represent a selection of iMessages and/or text messages between the victim, HAMILTON (AH) (the user of 315-380-0153)³, and SOI2 from December 29, 2017.

12/29/2017 – 6:20 PM – Victim to AH:	Yo
12/29/2017 – 6:20 PM – AH to Victim:	You ill be around in a hr
12/29/2017 – 10:44 PM – Victim to AH:	Yo this dumb ass piece of shit said his stupid truck broke down so he’s going to stay in Buffalos for the night and pay me tomorrow. Idk if you’ll let me hold two till tomorrow. I won’t want nothing crazy just 2
12/29/2017 – 10:59 PM – Victim to AH:	Cause if I get the doe tomorrow I won’t be able to do it tomorrow cause I got a drug test in a few days so I’m tryna get it now cause if not I won’t be able to do it tomorrow and I won’t spend no cash
12/29/2017 – 11:24 PM – Victim to AH:	So what you think?
12/29/2017 – 11:27 PM – AH to Victim:	Yeah but i need my money in the am
12/29/2017 – 11:27 PM – Victim to AH:	I got you no problem

² Note that in January 2018, an APD detective confirmed that Allyssa HAMILTON, who was probation at the time, had provided Clark Street as her residence to her probation officer.

³ Note that during the Facebook Messenger conversation on December 25-26, 2017, the user of allyssa.hamilton.182 asked the victim to call them at 315-380-0153. Your affiant has reviewed photographs associated with Facebook user account allyssa.hamilton.182 and has confirmed that they are photographs of Allyssa HAMILTON. Then, on December 29, 2017, the victim engaged in a text message conversation with the user of 315-380-0153, who is listed in the victim’s phone as Alyyssa Hamilton. I therefore have probable cause to believe that the person using Facebook account allyssa.hamilton.182 and the user of telephone number 315-380-0153 are the same person, and that person is Allyssa HAMILTON.


12/29/2017 – 11:27 PM – Victim to AH:	That's my word. Where u at?
12/29/2017 – 11:29 PM – AH to Victim:	Home
12/29/2017 – 11:29 PM – Victim to AH:	Clark street
12/29/2017 – 11:30 PM – AH to Victim:	yea
12/29/2017 – 11:33 PM – Victim to SOI2:	Can you give me a ride real quick?
12/29/2017 – 11:34 PM – SOI2 to Victim:	Yeah, where to?
12/29/2017 – 11:35 PM – Victim to SOI2:	just gotta go to Clark street and grab my wallet and cigs and I'm going back home. Not all the way by the mall but the one by James street and the post office
12/29/2017 – 11:35 PM – SOI2 to Victim:	Lol it's fine
12/29/2017 – 11:35 PM – SOI2 to Victim:	I'm getting ready to leave now
12/29/2017 – 11:35 PM – Victim to AH:	My rides coming to get me in a few so I'll see you when I get there
12/29/2017 – 11:35 PM – Victim to SOI2:	Thank you darling
12/29/2017 – 11:37 PM – AH to Victim:	I'm mobile ...so give me a few ill drop it off
12/29/2017 – 11:37 PM – Victim to AH:	Well my rides already on it's where. Where do you wanna meet
12/29/2017 – 11:37 PM – Victim to AH:	She's alsmot to my house
12/29/2017 – 11:42 PM – AH to Victim:	Imma put it in a newport box in the mail box that says apt c
12/29/2017 – 11:46 PM – SOI2 to Victim:	On my way
12/29/2017 – 11:53 PM – SOI2 to Victim:	Here
12/30/2017 – 12:07 AM – AH to Victim:	U got that
12/30/2017 – 12:07 AM – Victim to AH:	Yeah thank you so much
12/30/2017 – 12:07 AM – Victim to AH:	I'll get at you in the am
12/30/2017 – 12:07 AM – AH to Victim:	OK

18. Based upon the foregoing text and iMessages, I have probable cause to believe that the victim and HAMILTON agreed that HAMILTON would provide the victim with controlled substances on December 29, 2017, and that the victim would pay for those controlled substances on December 30, 2017. Furthermore, based upon the text messages to SOI2, SOI2's statement that SOI2 drove the victim to a house on Clark Street at approximately 11:53 PM on December 29, 2017, the text messages between the victim and HAMILTON confirming that the victim had obtained the controlled substance at approximately 12:07 AM, and the fact that the victim died as a result of heroin and fentanyl toxicity after overdosing in the early morning hours

of December 30, 2017, I have probable cause to believe that HAMILTON did in fact provide heroin and fentanyl to the victim on December 29, 2017.

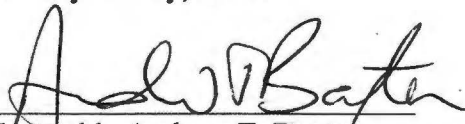
CONCLUSION

19. In light of the foregoing, I respectfully submit that there is probable cause to believe that on or about December 29, 2017, Allyssa HAMILTON distributed heroin, a Schedule I controlled substance, and fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).



Anthony Hart
Special Agent
U.S. Drug Enforcement Administration

Sworn to before me this
11th day of July, 2018.



Honorable Andrew T. Baxter
U.S. Magistrate Judge
Northern District of New York